D.C. Drops Charges Against 10 Seized During Antiwar Rally

By Paul W. Valentine
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D.C. prosecutors have dropped charges against at least 10 persons in last weekend's antiwar demonstrations, citing insufficient evidence that they failed to move on police orders or were otherwise disorderly.

Thomas H. Johnson, assistant chief of the corporation counsel's law enforcement division, said yesterday there appeared to be a "general pattern" in court cases indicating that individual policemen failed to give audible orders to move before arresting persons during sporadic violence on Friday and Saturday nights.

Most of the more than 100 persons arrested, Johnson said, forfeited collateral, but about 20 asked to stand trial.

"So far, we have chosen not to prosecute about 50 per cent of those . . . asking for a trial date," he said. He added that the estimate was "very rough" and more trial cases may be reviewed and dropped.

Philip J. Hirschkop, chief counsel for the New Mobilization Committee to End the War in Vietnam, sponsors of the demonstrations, personally handled seven dropped cases yesterday and an eighth one earlier this week.

He said policemen at the corporation counsel hearings admitted in several cases that they did not give orders to move before arresting the persons.

Johnson agreed, noting that in some cases individual officers were aware that Police Chief Jerry V. Wilson and other officials had given orders to disperse through their bullhorns and thought that was sufficient notice to the crowds.

Also, Johnson said, some officers' voices were muffled by their gas masks after tear gas was used, and could not be heard in crowd confrontations.

Hirschkop contended that most arrested persons were innocent members of the crowds and had not heard the orders to disperse over the bullhorns. They were the curious and the slow-footed, he said, but not the violent.

Reporters at Dupont Circle last Friday night and on Constitution Avenue near the Washington Monument last Saturday observed that rock-and-bottle throwers in the crowds dispersed quickly when police rushed them in some cases, leaving bystanders and stragglers subject to arrest.

In other cases, police did not make a general sweep through a crowd but made selective arrests of hecklers, traffic disrupters and those throwing stones.

Police originally estimated last Sunday that 150 persons had been arrested earlier on Friday and Saturday. Their estimate later dropped to 90 arrests for both days, but as of yesterday the figure was 114 arrests, 24 on Friday and 90 on Saturday.

Most of the arrests were for failing to move on or using loud and abusive language under the disorderly conduct statute. Polic described four of the cases as felonies:

- Distruction of government property by a man who painted a peace symbol on the Washington Monument.
- Assult on a policeman by a woman.
- Two charges of carrying a dangerous weapon; one against a man arrested Friday, the other against a man arrested Saturday.

Carrying a dangerous weapon (CDW) becomes a felony offense only when the suspect has a prior felony conviction or another CDW conviction.

Hirschkop, who acknowledged that some arrests were justified, described the general arrest pattern during the weekend as "indiscriminate."

"Generally, the rock throwers got away and innocent people in the crowds trying to go home got busted," he said.

In addition to two newsmen arrested, Hirschkop said, police also arrested two Mobilization volunteer workers, one with a walkie-talkie, two sound equipment men dismantling electronic gear at the Washington Monument grounds rally site on Saturday night and Dean Robb, a middle-aged Detroit lawyer who had come to Washington as a volunteer lawyer for the Mobilization.